

Serial No.: 09/943,138

Applicant: Wallace K. DYER

Filed: August 30, 2001

Title: Methods and Compositions for Tissue Augmentation

Page: 2

REMARKS

With entry of this amendment, Claims 1-19 are pending. No new matter has been added.

Restriction Requirement

During a telephone conversation on January 6, 2003, a provisional election was made with traverse to Group I, Claims 1-14. Applicant further elected a biocompatible micronized polyethylene for the species of solid polymer particles and a polyvinylpyrrolidone for the species of liquid carrier substrate phase. Claims 1-4 and 7-11 read on the elected species. Applicant hereby affirms these elections.

Election Requirement

A request has been made for the election of species under 35 U.S.C. §121.

Subgroup 1: Species of tissue;

Subgroup 2: Species of size of e-PTFE;

Subgroup 3: Species of K value;

Subgroup 4: Species of ratio.

Applicant hereby elects facial tissue for subgroup 1; 125 micrometers for subgroup 2; a K value of 17 for subgroup 3; and a ratio of 3:1 for subgroup 4. All claims read on subgroup 1. Claim 6 reads on subgroup 2. Claims 8-11 read on subgroup 3. Claim 13 reads on subgroup 4.

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Page: 3

Based on the prior election, affirmed by this Response, subgroup 2 and subgroup 4 do not read on the previously elected species. Claims 1-4 and 7-11 read on currently elected species.

Applicant understands that these are provisional elections of species and that if no prior art is found which anticipates or renders obvious the elected species, the search of the generic claims will be extended to the extent necessary to determine patentability of the generic claims.

Early and favorable consideration is earnestly solicited. If the Examiner believes there are other issues that can be resolved by telephone interview, or that there are any informalities remaining in the application which may be corrected by Examiner's Amendment, a telephone call to the undersigned attorney at (404) 815-6500 is respectfully solicited.

Respectfully submitted,

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